IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:19-CV-50-BO

ROBERT E. DOCKERY,)	
Plaintiff,)	
v.)))	<u>ORDER</u>
ARMY & AIR FORCE EXCHANGE SERVICE,)	
Defendant.)	

This cause comes before the Court on the memorandum and recommendation by United States Magistrate Judge Robert T. Numbers, II. [DE 4]. On April 15, 2019, Judge Numbers recommended that plaintiff be permitted to proceed *in forma pauperis* but that his claims be dismissed. *Id.* No objections to the M&R have been filed and the matter is ripe for review. For the reasons that follow, the M&R is ADOPTED.

BACKGROUND

In February 2019, plaintiff filed a *pro se* application to proceed *in forma pauperis* under 28 U.S.C. § 1915. [DE 1]. Plaintiff alleges that he was wrongfully terminated in June 2013 from his position at a Burger King operated by defendant at the Grafenwoehr Main Exchange in Germany. [DE 1-1]. In particular, he alleges that he was terminated in violation of the Civil Rights Act of 1964 and the Americans with Disabilities Act. *Id*.

In April 2019, Judge Numbers entered the instant memorandum and recommendation (M&R), granting plaintiff's application to proceed *in forma pauperis* and recommending that plaintiff's claims be dismissed as barred by the applicable statutes of limitations. [DE 4].

DISCUSSION

A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). "[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

No party has objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the memorandum and recommendation is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Numbers is ADOPTED and plaintiff's complaint is DISMISSED. The Clerk is DIRECTED to close the case.

SO ORDERED, this day of May, 2019.

TERRENCE W. BOYLE

CHIEF UNITED STATES DISTRICT JUDGE